

CRIMINAL TRIAL PROCEEDINGS
MINUTE SHEET

DATE: 3-4-2013

United States District Court	Eastern District of Virginia - Richmond Division
CASE TITLE UNITED STATES OF AMERICA v. MICHAEL F. HARRIS	CRIMINAL NO: 3:12CR00170 JUDGE: HUDSON CT REPORTER: LISCIO, OCR

MATTER COMES ON FOR: JURY TRIAL (☒) BENCH TRIAL ()

APPEARANCES: DEFT WITH COUNSEL Day 6 Robert J. Wagner & Nicholas R. Klaiber, ESQ. (X)
GOV'T Michael R. Gill & Gauhar R. Naseem, AUSA (X)
JURY PRESENT (☒)

BAIL STATUS: DEFENDANT ON BOND (☒) DFT. INCARCERATED ()

TRIAL PROCEEDINGS:

JURY SWORN & EXAMINED ON VOIR DIRE () JURY EMPANELED & SWORN TO TRY ISSUE ()
WITNESSES EXCLUDED ON MOTION OF: GOV'T () DEFENDANT () COURT ()
OPENING STATEMENTS MADE () OPENING WAIVED ()
GOVERNMENT ADDUCED EVIDENCE () RESTED () MOTION ()
DEFENDANT ADDUCED EVIDENCE () RESTED () MOTION ()
REBUTTAL EVIDENCE ADDUCED () SUR-REBUTTAL EVIDENCE ADDUCED ()
EVIDENCE CONCLUDED () ARGUMENTS OF COUNSEL HEARD ()
JURY CHARGED BY THE COURT () ALTERNATE JUROR DISCHARGED ()
OBJECTIONS AND/OR EXCEPTIONS TO THE JURY CHARGE NOTED BY:

DEFENDANT () GOVERNMENT () NONE NOTED ()

* JURY RETIRED () at _____ a.m./p.m. INQUIRIES OF THE JURY RECEIVED; ANSWERED (☒)
JURY RETURNED VERDICT OF: GUILTY AS CHARGED IN Counts 3-B (☒)
@ 1:20 pm NOT GUILTY AS CHARGED IN _____ ()
JURY UNABLE TO AGREE () MISTRIAL DECLARED () JURY DISCHARGED (☒)
JUDGMENT: DEFENDANT Guilty AS CHARGED IN Counts 3-B (☒)
PSR ORDERED (☒) or WAIVED BY THE DEFENDANT () SGO ENTERED (☒)

CASE CON'T TO: JUNE 11, 2013 AT 2:00 PM FOR Sentencing (☒)
Deft's motion for continuation of bond; denied
DEFENDANT CONTINUED ON PRESENT BOND () DEFENDANT REMANDED TO CUSTODY (☒)

ALL EXHIBITS RETURNED TO COUNSEL (☒) 3 Ex 155 returned to case agent

FURTHER NOTATIONS: *Jury deliberations resumed at 9:05 AM

Recesses > 9:05-9:40, 9:45-10:13, 10:15-11:00,
11:05-12:18, 12:20-1:20

SET: 9:00 BEGAN: 9:05 ENDED: 1:27 TIME IN COURT: — HRS 21 MIN.

Exhibit Number	Description
	M.F. Harris Research, Inc. Computer Materials
155	Hard drive containing information obtained by Joseph Newcomb from Defendant's computer
157	November 1, 2010 Notice to Shareholders regarding Shareholders Meeting from hard drive
158	Notice of Meeting of Shareholders to be held on December 20, 2008 from hard drive
159	MF Harris Research, Inc. Stock Certificate Issued list from hard drive
160	Harris Research, Inc. 2010 Shareholder Master List from hard drive
161	The Dark Horse Project PowerPoint Presentation from hard drive
162	Stellar One Bank records retrieved from hard drive
163	Wachovia Bank Records retrieved from hard drive

Q: CAN WE RECEIVE AN EXHIBIT LIST THAT SPECIFICALLY IDENTIFY THE ITEMS ON THE HARD DRIVE.

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3/4/2010 10^{PM}

U.S. v. Michael Harris
Case No.: 3:12CR170
March 4, 2013

Question No. 2:

Does email/Internet and text messaging constitute "the use of wire, radio or television communication facility" as provided in Instruction #34, paragraph 3?

Answer:

An email, text message or Internet communication in the form of a writing, signal, picture or sound, transmitted by wire in interstate commerce, if done with the intent to defraud, or in furtherance of a scheme to defraud, can constitute a violation of the wire fraud statute.

Q: DOES EMAIL/INTERNET AND
TEXT MESSAGING CONSTITUTE
"THE USE OF WIRE, RADIO,
OR TELEVISION COMMUNICATION
FACILITY" AS PROVIDED IN
INSTRUCTION #34, PARAGRAPH 3?

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3/4/13 10²⁵ A.

U.S. v. Michael Harris
Case No.: 3:12CR170
March 4, 2013

Question No. 3:

By definition is a wire transfer from one bank to another assumed to be interstate commerce by its nature? That is, with geographic diversity of computer servers, can they be assumed to be interstate?

Answer:

The wire fraud statute requires proof beyond a reasonable doubt of an interstate communication.

Q: BY DEFINITION IS A WIRE
TRANSFER FROM ONE BANK TO
ANOTHER ASSUMED TO BE
INTERSTATE BY ITS NATURE?
THAT IS, WITH ^{GEOGRAPHIC} DIVERSITY
OF ~~GEOGRAPHIC~~ COMPUTER SERVERS
CAN THEY BE ASSUMED TO BE
INTERSTATE.

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